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ABSTRACT

This study investigated the organization, compliance, and concerns of public higher education regarding the implementation of the Americans with Disabilities Act (ADA) of 1990. A survey was developed and mailed to 480 colleges and universities selected randomly within each Carnegie Classification. Analysis of responses from 270 institutions indicated that public higher education administrators understand and "grasp" the complexities of the ADA, and that they have organized the function within the institution to respond to the specific requirements of the law. Approximately 50 percent of the study group was found to be near full compliance but only 6 percent of the institutions were identified as fully compliant. Two additional surveys were conducted approximately 1 year following the main study to determine if institutional researchers have assisted ADA coordinators and whether and how ADA coordinators have utilized the services of the office of institutional research regarding ADA issues. Both studies revealed that neither administrative unit typically used the services of or communicated with the other. Institutional researchers were not familiar with the ADA coordinator's needs and the ADA coordinator was unfamiliar with how the office of institutional research might assist their efforts. (Contains 24 references.) (Author/JB)

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AMERICANS WITH DISABILITIES ACT OF 1990: ORGANIZATION, COMPLIANCE AND CONCERN IN HIGHER EDUCATION

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This paper was presented at the Thirty-Fourth Annual Forum of the Association for Institutional Research held at The New Orleans Marriott, New Orleans, Louisiana, May 29, 1994 - June 1, 1994. This paper was reviewed by the AIR Forum Publications Committee and was judged to be of high quality and of interest to others concerned with the research of higher education. It has therefore been selected to be included in the ERIC Collection of Forum Papers.

Jean Endo
Editor
Forum Publications

ABSTRACT

This study investigated the organization, compliance, and concerns of public higher education regarding the implementation of the Americans With Disabilities Act (ADA) of 1990. A survey was developed and mailed to a study sample of 480 colleges and universities selected randomly within each Carnegie Classification of Institutions of Higher Education. Two-hundred and seventy institutions generated an overall response rate of 56%. To adjust for sample to population imbalances, a weighing procedure was used to enable estimates of the total population of public institutions to be drawn. Results of the study indicated that public higher education administrators understand and "grasp" the complexities of the ADA and they have organized the function within the institution to respond to the specific requirements of the law. Although public higher education was attempting to comply with the five ADA regulations, approximately 50% of the study group was found to be near full compliance. Only 6% of the institutions were identified as fully compliant.

Two additional surveys were conducted approximately one-year following the main ADA study to determine if institutional researchers have assisted ADA coordinators and whether and how ADA coordinators have utilized the services of the office of institutional research regarding ADA officer compliance concerns and issues. Both studies revealed that neither administrative unit typically utilized the services of or communicated to the other. Institutional researchers were not familiar with the ADA coordinator's needs and the ADA coordinator was unfamiliar with how the office of institutional research might assist that functions effort.

Colleges and universities, as recipients of federal financial assistance, have been mandated under Section 504[1] to assure that their programs and services are accessible to all "otherwise qualified"[2] handicapped individuals. Unfortunately, lack of consensus, lack of knowledge, unclear organization, unclear commitment, and lack of policies and procedures have threatened academe's past implementation of disability legislation. The Americans With Disabilities Act (ADA), as the most state-of-the-art disability legislation, may either heighten or diminish the effectiveness and continued implementation of disability law in higher education. Therefore, an understanding of how higher education has responded to the Americans With Disabilities Act is needed.

The American With Disabilities Act marks the first "pure civil-rights statute" with extensive application for individuals with disabilities (Jones, 1991). The ADA extends comprehensive protection to qualified individuals with disabilities in all areas of employment; public accommodations; public services, which include colleges and universities; transportation; and telecommunications (29 U.S.C. Rehabilitation Act of 1993). The rights of protection offered by this act parallel the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, national origin, sex, and religion. The legislative underpinnings of the ADA also lie in Section 504 of the Rehabilitation Act of 1973 (28 CFR Part 35) which prohibits discrimination on the basis of handicap in federally assisted programs and activities.

In a profile of disabled college students,[3] Greene and Zimbler (1987) estimated that 1,586,000 or 12.7% of college students had disabilities. Recent enrollment data of students in public schools, kindergarten through the twelfth grade, indicated a continuous and increasing trend in the number of handicapped[4] students (NCES, 1991). This trend suggests a growing population of students higher education will potentially serve. The ADA will reinforce individual empowerment and student demands for post-secondary accessibility, services, and integration.

By August 31, 1993, the Department of Justice (DOJ) and the Equal Employment Opportunity Commission, as the chief agencies responsible for ADA oversight, had received more than 16,000 complaints. All allegations regarded inadequate public access or job bias. Specifically, a total of 1,730 access complaints were filed with the DOJ. Of those filed, 60% related to physical barriers; 24% to discriminatory policies; 11% lack of Auxiliary Aids; and 5% were other (Litvan, 1994). A total of 14,330 complaints were received by the EEOC regarding job bias. Forty-nine percent (49%) of that number regarded dismissal; 22% related to a refusal to accommodate; 13% to refusals to hire; 8% to retaliation for filing a charge; and 8% listed as other (Litvan, 1994). Implications of these data reinforce Rothstein's 1990 projection that a growing awareness, less passivity and more complaints will result from the ADA. Colleges and universities are not immune to these complaints.

Purpose and Importance of the Study

The Americans with Disabilities Act can be summarized as a national mandate for the elimination of discrimination against, and the integration of, individuals with disabilities within society. The purpose of this study was to improve the understanding of organizational practices, concerns, and compliance initiatives of administration in American public colleges and universities as they implement the Americans with Disabilities Act. Secondly, two additional abbreviated studies were conducted approximately one year later to ascertain the working relationship between institutional research offices and the ADA coordinator at universities, and to determine the degree, type, and extent of information and data collected on campuses and the role of institutional research regarding that data and the ADA function.

The information reported in this study is important to university and college Section 504 and ADA coordinators as "front-line" staff responsible for coordinating institutional compliance and service efforts. The national data and information collected provide an opportunity for institutions to

compare their initiatives and consider how to plan to maximize their own organizational structures. In addition, the details learned in the abbreviated studies offer an opportunity for institutional researchers to begin to understand the breadth and diversity of ADA-related information collected on campuses; the databases and systems utilized or needed to manage the information; and the perceptions and relationships of both ADA officers and institutional researchers.

Finally, institutional researchers and legal advisors can assist ADA coordinators to ensure compliance and to meet the law's intent. Compliance issues are directly significant to individuals with disabilities, as students, faculty, staff, or community members. Institutions must ensure that their programs, in the broadest sense of the word, are accessible.

Method - Study 1

The ADA Implementation and Organization Survey (Fornadel, 1993) was constructed to collect information concerning the organization, compliance, compliance initiatives, and concerns of administration in colleges and universities as institutions implement the American with Disabilities Act of 1990. The survey instrument comprised three distinct sections: Demographic and Institutional Information, Policy Information, and Issues and Concerns. The instrument's questions were developed based upon comprehensive reading of the ADA legislation and associated federal regulations, previous research studies, and discussions with individuals assigned responsibility for Section 504 and the ADA in colleges and universities. A pilot study was conducted to acquire information regarding the validity and reliability of the survey. Respondents were requested to indicate and rank the items and obstacles they perceived or encountered that affected the implementation of the ADA on their campus.

Population and Sample

The study population was identified as the ADA coordinators or officers designated responsible for ADA compliance at U.S. public colleges and universities. Every public two-year

institution, liberal-arts college, comprehensive institution, and doctorate-granting and research university was part of the population of colleges from which a sample was drawn. The sample was stratified by type of institution categorized under the 1987 Classification of Institutions of Higher Education (Carnegie Foundation, 1987). The within category types I and II of the classifications were collapsed and not differentiated.

Data Collection Procedures

The survey was mailed through institutional presidents to the designated ADA campus coordinator in a planned schedule of mailings and reminder notices. Two-hundred and seventy colleges and universities responded to the survey generating an overall response rate of 56%. The highest rate of return was from research universities (n=51; 72%). The lowest return rate was from two-year colleges (n=110; 44%). To adjust for sample to population imbalances, a weighing procedure was used to give more influence to institutions that were under-represented and less influence to the over-represented institutions when making estimates of the total population of public institutions. Responses to each survey question were coded by number and variable, then transferred into SPSS/PC software for computation of descriptive statistics including frequencies, percentages, and cross-tabulations.

Results - Study 1

Two-hundred and seventy colleges and universities responded to the survey generating an overall response rate of 56%. Approximately 88% of colleges and universities have designated an ADA coordinator on their campus. Fifty-nine percent of the colleges had named their Section 504 officer their ADA compliance officer.

The majority of the respondents (83%) across all institutions affirmed that the ADA was not their only job duty. ADA tasks and responsibilities consumed 25% or less of their job time in

approximately 60% of all research and doctorate universities and 70% of comprehensive, liberal arts, and community colleges. The most often cited ADA task and responsibility performed was the coordination of federal regulations with the institution's compliance initiatives. The ADA officer's work duties not related to ADA responsibilities throughout public higher education were most often cited within student services first and affirmative action second.

The ADA coordinator most frequently reported to the president of the college across all types of institutions when executing both ADA responsibilities (34%) and non-ADA responsibilities (29%). In the execution of duties unrelated to the ADA or the non-ADA portion of their jobs, ADA coordinators again most often reported to the president across all types of institutions (29%). The ADA respondents listed several qualifications for appointment to the position including: experience working with individuals with disabilities; having been appointed the Section 504 officer; affirmative action, equal opportunity and student affairs experiences, as well as self-identification of a disability.

Individuals were asked to reveal the responsiveness of their administration to financial, staffing, and support issues related to the ADA. Seventy-six percent indicated their administration had new interest and commitment to the ADA legislation and to persons with disabilities not seen since the passage of Section 504. Eighty-four percent of the respondents were in agreement that their administration "grasped" the intent and purpose of the legislation and 74% of the respondents stated their college administration supported dedicated staff involved in ADA initiatives. In addition, cross-departmental functional staffing support was utilized in 72% of the institutions to sustain or strengthen ADA initiatives.

Actual funding for the implementation of the institution's transition plan by the legislated ADA completion date of January 26, 1995, was identified in only 18% of the colleges and universities. Over half of the institutions (56%) were "working on" obtaining funds, while another 17% of the respondents indicated that no funds had yet been identified for the implementation of their

transition plans. The most often identified funding source was state funds in 13% of colleges and universities. The majority of respondents gave no response to this funding question, however, of the small percentage of institutions where funding had been identified or allocated to support the implementation of transition plan initiatives in the first year of the ADA legislation, year 1992-1993, most respondents (8%) had available $100,000 or less.

The provision of academic and employee reasonable accommodations is a necessary but not sufficient condition of compliance. The data indicate that 58% of the institutions had established a reasonable accommodation policy under Section 504. Doctorate-granting universities most often established this policy. Eleven percent of the institutions had reviewed their current Section 504 policy and planned no changes in it to accommodate the ADA, while 45% of the colleges and universities planned to update their policy to accommodate the ADA. Furthermore, 39% of the institutions without a Section 504 reasonable accommodation policy indicated that a policy would be established under the ADA. Research universities and comprehensive colleges most often stated that they had no established reasonable accommodation policy under Section 504.

The ADA regulations suggest that essential job functions of employee positions be reviewed. Responses indicate that 14% of the colleges and universities had conducted and completed a review of the essential job functions of all positions on campus; another 24% had partially completed the review; and, 27% of the responses indicated that a review was planned to be conducted. Approximately 30% of the institutions have decided to determine essential job functions on a case-by-case basis--as need surfaces or as jobs are vacated and positions re-posted. The necessity of review of essential job functions was realized by virtually all institutions.

The ADA requires that institutions develop transition and self-evaluation plans for programs and facilities not currently part of the college's Section 504 transition and self-evaluation plans. Federal regulations strongly urge institutions to initiate an entirely new set of transition and self-

evaluation plans due to changes in programs and facilities since or following the completion of their 1978 Section 504 plans. Sixty percent of the respondents indicated that they would replace their existing Section 504 plan with a completely new ADA transition plan, while only 32% of the colleges and universities responded that they would create a completely new self-evaluation plan. Another 24% of the institutions were updating their 504 plans to accommodate the legislation. In addition, 9% of the respondents affirmed that they had yet to complete their Section 504 transition plans.

The implementation date for completion of the self-evaluation plan was January 26, 1993. Respondents revealed that by that date almost one-third of the institutions (32%) would complete their first self-evaluation plan; approximately another quarter of the colleges (24%) will have updated their previous self-evaluation plan adding new programs and policies since the passage of Section 504; and almost another third (32%) of the institutions will reexamine all of their policies and programs to create a completely new ADA self-evaluation plan.

The fourth Federal ADA compliance initiative requires the establishment of an ADA grievance procedure. The survey question asking whether institutions had established a procedure for the submission and resolution of complaints was affirmed by 75% of the responding institutions. Approximately 22% of the responding colleges had yet to establish ADA grievance procedures.

Writing and distributing a notice of non-discrimination is the fifth and final compliance requirement of the ADA regulations. The survey data indicated that non-discrimination notices had been written at 88% of all colleges. Sixty-three percent of the institutions had included the notice on all publications and they had distributed the information; 14% have yet to distribute the notice; and 9% will utilize their non-discrimination notice as written under Section 504. Another 11% of the respondents indicated that they planned to write the notice of non-discrimination.

The perceived levels of compliance with Section 504 and the ADA regulations were rated by the study group. One-fourth of the institutions affirmed they were fully compliant (25%) with Section

504 regulations, while less than one-half of the remaining colleges (46%) stated they were near full Section 504 compliance. "Near full" was defined as being in the advanced stages of compliance implementation. As for level of compliance with the ADA regulations, 6% of all colleges perceived themselves to have met all compliance criteria, 41% of the institutions were perceived to be "near full" compliance, while an equal percentage of the respondents (41%) signified partial compliance, defined as the early stages of implementation of the ADA regulations.

The criteria for institutional compliance stated in the ADA Title II Federal regulations require the naming of an individual as the ADA officer, establishing an ADA grievance procedure, distributing a non-discrimination notice announcing the ADA person and procedure, completing a transition plan, and completing a self-evaluation plan. From the survey responses, 52% of institutions met all 5 criteria while 77% met at least 4 of these.

Respondents were most concerned with the obstacles perceived regarding facility costs (54%) and meeting the legislated ADA facility standards known as ADAAG (35%). One quarter of the institutions were concerned with the costs associated with program access and approximately the same percentage of institutions (24%) stated staff support was an obstacle at their college.

Furthermore, of any obstacle stated, 11th amendment immunity was the only item in the survey to which respondents indicated a lack of familiarity. Eight percent of the respondents posted a question mark on the grid where a check typically would have been placed. Furthermore, a similar percentage of colleges (8%) were concerned or believed the abrogation of 11th Amendment immunity was an obstacle.

Discussions and Implications - Study 1

The results of this study indicate that administrators in public higher education understand and "grasp" the complexities of the ADA. They have organized the ADA function within the institution to respond to the specific requirements of the law.

Of interest is the consideration institutions have given to prior Section 504 work experience as a qualification for the position of ADA coordinator. The current research shows that consideration has been given to Section 504 experience as a criterion for selection in less than half of all institutions. In light of the fact that the ADA has directly evolved much of its language from Section 504, and, in theory, a person knowledgeable in Section 504 would understand compliance and regulation language and issues, colleges have not completely embraced the Section 504 qualification. Other qualifications, such as experience with affirmative action and working with individuals with disabilities, and the reporting relationship of the ADA person to the president have been determined by colleges to be equally important.

The law requires that institutions only complete a new ADA transition or self-evaluation plan for facilities and programs not part of prior Section 504 plans. The thrust of over half of all institutions to fully review their facilities may imply a perception of new enforcement associated with the ADA, a realization on the part of colleges of past failures to accomplish Section 504 plan initiatives, a fuller understanding of the comprehensive nature of the ADA legislation, an appreciation for the growing number of individuals with disabilities, and the need to serve everyone in the most integrated environment.

Other prior Section 504 initiatives will not be used in the majority of institutions to accomplish ADA initiatives. Specifically, current employee reasonable accommodation policies will be changed or created in 84% of the institutions accommodating the ADA. This percentage includes institutions without reasonable accommodation policies that plan to establish such policies under the ADA. Since reasonable accommodations must be provided by institutions and what may be considered "reasonable" is open to debate, awareness of the ADA officer and the administration to update or create such policies may indicate that the ADA will truly empower more individuals to assert their rights and the institution will be prepared for action. Furthermore, this compliance

requirement appears to have jolted a response from public colleges and universities. The majority of institutions that had not written reasonable accommodation policies under Section 504 have stated that they will now do so. The implication of more reasonable accommodation policies are two-fold: institutions are covering all the necessary bases to be prepared to serve constituents best, or institutions have been scared into action by the potential threat of more people demanding their rights or of litigation.

The one exception to the use of a Section 504 regulation as an ADA compliance requirement is the notice of non-discrimination. A small percentage of colleges and universities indicated they will not write an ADA notice but will continue to utilize that notice written for Section 504. This practice may be incorrect. The ADA regulations specifically state that a notice of non-discrimination is to be written for ADA compliance. Although the "spirit" of how an institution approaches its tasks is open for interpretation, adhering to the "letter" of the ADA regulations and writing a specific ADA notice may serve as a very prudent approach to this compliance requirement. The college administration would be foolish to stumble if they find themselves in court over this simple compliance requirement. Using a Section 504 "notice" does not show strong forward effort or leadership by administrators to embrace the newer ADA legislation.

After twenty years since Section 504 legislation was passed and fifteen years since its compliance regulations were issued only three-quarters of all institutions studied indicated they were in full compliance with Section 504. Lack of full compliance with Section 504 implies a lack of commitment, funding, responsibility, follow-through, or know-how by the administration of institutions to meet the full spirit and letter of Section 504 legislation and regulations.

In comparison, institutions are attempting to comply with the ADA regulations which were issued almost immediately after the legislation and included deadline dates for achieving compliance. Review of the specific criteria of compliance indicates that over three-quarters of all institutions

(77%) have completed at least four ADA compliance items. This high percentage of colleges and universities is an excellent response to the ADA legislation over previous Section 504 disability law and regulations. The response is less admirable when placed in the ADA time-frame for completion. By January 26, 1993, all criteria were to have been met. In this study, ADA officers and their administrations appear to be organizing to meet the ADA criteria as best fits the specific institution. Unfortunately, obstacles may have prevented administrators and institutions from attaining full compliance.

Review of obstacles in the study group revealed facilities access costs and facilities standards to be the two main concerns that confound the implementation of the ADA. Colleges and universities were not identifying or allocating funds for facility access initiatives and respondents appeared confused regarding the use of ADAAG and UFAS facility standards. According to the Title II Technical Assistance Manual issued by the U.S. Department of Justice (1992): either design standard can be chosen; the standard selected applies to each facility or project, standards cannot be mixed; once an alteration project is completed using one standard, that standard applies to other alterations in the same building; ADAAG permits alternatives as a departure from particular standards where UFAS does not; ADAAG has more requirements for additions to existing buildings; and, in general, neither standard is more strict. The choice of facility standards as a major obstacle or concern implies either ignorance of the newer ADAAG standards or a realization that the standards will be regarded as important, even enforced; therefore, facilities must be designed, upgraded, or constructed to meet the published standards related to the ADA legislation.

Achieving facility access and funding is less obvious and more ominous. Funds for implementation of the ADA were not part of the legislation. Public higher education has been under severe restraints to reduce operating costs while state funding has been reduced and students have been asked to pay more through higher tuition. Colleges were found to most often cite the state as

their main source of funding for ADA compliance initiatives. Two-year colleges also included local or district funds as another source of funding. From all sources, 17% of the institutions had secured funding for ADA implementation from January 26, 1992 through January 26, 1993. Only 10% of the colleges confirmed funding through January 26, 1995, the legislated completion date for transition plan initiatives. In 90% of the colleges the question of funding had yet to be resolved.

Unless funding is secured and allocated quickly for transition plan initiatives, large projects or long lists of facility items may not be completed by the January 1995 deadline. Paradoxically, the passage of time since the implementation of the ADA legislation may empower more individuals to assert their rights and demand greater facility access. Unless the university acts appropriately to ensure that it is meeting the letter of the law, the paths of the institution and the individual may cross resulting in possible conflict, even legal action.

Finally, the threat of legal action has become much more prominent due to the passage of the ADA. Individuals with disabilities have begun to assert their rights as society has mandated fuller integration of individuals with disabilities throughout public colleges and universities. The Department of Justice had received almost one-thousand complaints within the first six months after the regulations took effect (January 26, 1992) and the EEOC anticipated between 10,000 - 20,000 complaints to be filed between July 26, 1992 and July 26, 1993 (Shepard, et. al, 1992). Furthermore, the ability of the individual to file a lawsuit against the state due to the abrogation of 11th Amendment immunity is new and may increase the likelihood of litigation. Prior disability legislation left the state immune from litigation.

The ADA officer who does not understand the impact of the removal of 11th Amendment immunity must be enlightened. In turn, the officer must ensure that college administrators understand the breadth of the ADA on campus. About 10% of the respondents in the current study indicated that

they were ignorant about the abrogation of 11th Amendment immunity and what it implied. Such ignorance suggests needed legal review of the requirements of the ADA.

Method and Results - Study 2

A survey of institutional researchers in the Southern University Group and Association of American University Data Exchange Group was conducted electronically by an institutional researcher at the University of Virginia. A total of forty-seven (47) inquiries were sent. There were 24 (51%) responses after two requests. Of the 24 responses, only five institutional researchers reported that they had been involved with the ADA coordinator. One respondent reported that they helped design the original data collection for the ADA committee. A second respondent related that they had analyzed all facilities for accessibility two years ago and conducted a survey of employees claiming to have a disability. Another responded to have prepared an analysis of facilities for ADA two years ago; then a committee was formed to address ADA issues and had not heard from them since. A fourth reported that they work with the office who receives complaints but were not involved with the ADA coordinator. A fifth respondent coordinated a few surveys for their ADA person. The remaining 19 respondents have not been involved with aiding the ADA coordinator with data file management, surveys or analytic reports on compliance regulations of ADA.

A brief interview with six of these institutional researchers who were not involved with the ADA coordinator or helping with any of the information reports for their university reported that they were too busy with other management requests to volunteer for additional work. ADA coordinators therefore need to understand the role institutional research can play regarding ADA compliance, and they must assertively seek assistance. Although it was found that a few institutional researchers may have assisted ADA coordinators, it was evident from this survey that for whatever reason, the services of the institutional research officer were not typically utilized for purposes related to ADA.

Method and Results - Study 3

A third survey was conducted of ADA Administrators who had responded to the original ADA Compliance Survey. Questionnaires were mailed to ascertain information regarding ADA data collection, management methods, and coordinator relationships with institutional researchers on their campus. A total of 167 requests were mailed. Thirty-five responses (21%) were received following a single mailing. Although time limited a second mailing and the response rate was low, indications of the type of data, the method of data collection and management, and the relationship of the ADA function to institutional research and planning emerged.

Three-quarters or more of the respondents indicated that their campuses collect data regarding individual students with disabilities, facility needs related to individuals with disabilities, and academic class needs to accommodate individuals with disabilities. The information collected includes names, addresses, self-identifying disability details, documentation of the disability, accommodations needed, and class schedules. The purpose of information collection is to provide direction for retention studies, accommodation, facility related class scheduling, documentation of services, and campus compliance directives as conveyed in transition plans.

Data are obtained and managed on most campuses by admissions, disabilities services offices, counseling, student services, and administration and finance functions. The information is confidential and is most often updated on a semester or annual basis. Data are managed using a PC with software including Colleague, Q & A for students, and Lotus 1,2,3. Data are collected to enhance transition plan facilities budgets, identify needed services and program planning, plan individual accommodations, report grants (Perkins), report to the state higher education authority, for outreach activities and events information, priority registration, academic support and classroom services, to upgrade facilities, and for demographic profiles. The institutional research function most often plays no role in the gathering, managing, interpreting, or use of the data, with two exceptions--

when the institutional research director serves as the ADA coordinator, and when all data are collected in a central office on campus.

Although some respondents had no idea how institutional research offices and staff might best assist ADA coordinators, assistance in planning by ensuring that compliance requirements remain at the forefront of all campus discussions was cited as an important support service. Furthermore, ADA coordinators stated that institutional researchers could provide much need support in the following areas: cost projections regarding facilities and equipment, budgets and grant development, fund-raising and financial aid, cohort surveys, data analysis management, retention issues, demographic trends and longitudinal studies, meeting accessibility needs campus through planning and prioritization of efforts, and the integration of student information from registration through graduation.

Recommendations

1. A shortage of available funding for the implementation of ADA initiatives should not prevent appropriate responses from colleges and universities.

As colleges and universities attempt to meet the mandates of the ADA, especially facility access and related facility standards, funding from the state may not be readily available during these times of financial "downsizing" of public institutions. Support from within the institution should not be overlooked. Cross-functional departmental support initiatives, from facilities management and finance people, to institutional researchers may provide the vehicle to achieve specific ADA compliance initiatives. ADA coordinators, institutional researchers, and facilities people should seek each other out, explore, and understand the role and function each can contribute toward ADA administration and compliance.

2. ADA compliance officers should confer with the Association of Institutional Researchers.

Professional communication and interaction between designated ADA officers and colleagues may offer much needed support to the individual assigned the ADA function on campus. ADA

officers have no association. As a complimentary aspect of an existing association, institutional researchers, through the Association of Institutional Research, can offer guidance and direction to the ADA person regarding compliance issues on campus.

3. On-going administrative support is necessary to achieve full ADA compliance and to meet the "spirit" of the legislation to discourage institutional lawsuits or ill-publicity.

Although public higher education has begun to meet the "spirit" and the "letter" of the ADA, momentum must be continued necessitating on-going administrative support. Institutional researchers should know and support the relevant ADA compliance issues and dates and assist the ADA officer through guidance, access to information, and outright advocacy early-on. Institutional researchers are knowledgeable about facilities, funding, and demographic data. Researchers can use this information to aid ADA coordinators and potentially reduce the number of complaints filed, or to alleviate the filing of possible lawsuits later.

4. ADA specific reasonable accommodation, "essential" job functions, and grievance policies should be written at all public colleges and universities.

The provision of employee "reasonable accommodations" is an affirmative obligation of the ADA. Institutional policies specifically written for the ADA would be prudent since an employer that fails or refuses to accommodate reasonably an employee or job applicant may be violating the law. In addition, ADA grievance procedures are required to be written as an ADA compliance initiative. Institutions that have determined that prior grievance procedures will suffice may have difficulty convincing the Department of Justice that a specific grievance procedure for ADA was necessary. Institutional researchers could advocate writing specific ADA-related policies and procedures as simply good planning.

5. Public higher education should actively and quickly complete all outstanding transition and self-evaluation plans and must review whether the use of previously written plans under Section 504 of the Rehabilitation Act is appropriate.

Facility and program access is mandated by the ADA. The legislated date for the completion of the transition plan was July 26, 1992, yet all colleges have not competed their plans. Unless the transition plan is completed quickly, time to pursue funding necessary for the implementation of the plan by the required July 26, 1995 will pass and an institution may find itself struggling to complete work with no identified funds to appropriately accommodate the law or to avoid legal conflicts brought forth because of administrative lack of planning, leadership, or negligence. In addition, the self-evaluation plan should have been completed January 26, 1993. Although colleges seem to consider the self-evaluation plan less difficult to implement, the scope of the self-evaluation plan remains broad and changes in technology, that are enabling people to approach research, employment, and academics in new ways, must be understood and integrated into new modes of thinking for addressing admissions criteria, placement, activities, and services. Therefore, a quality transition and self-evaluation plan must provide a significant level of detail and sophistication. Institutional researchers should become familiar with their institution's Transition Plan and work to achieve the appropriate support toward its successful implementation. Institutional researchers are also the most adept people on campus regarding self-studies or self-evaluation plans. Their expertise could prove invaluable.

6. The July 1994 ADA federal compliance deadline regarding employers will once again bring the ADA into the spotlight. Institutional researcher's involvement with ADA compliance regulations needs to be tapped to ensure accuracy, appropriate assistance, and the coordination of information to campus planning.

The ADA mandate effective this July requires all employers with 15 or more employees to comply with the ADA. Colleges and universities should have already responded to ADA requirements regarding job applications, employee accommodations, etc., in response to previous ADA deadlines. The July 1994 time-line will surface new interest or continue momentum regarding ADA compliance. It should come as no surprise to the institutional researcher if he or she must

become involved in developing data files on students and employees by disability, the nature of permanency of disability, educational services and accommodations required, physical and mental services needed, and related accessibility requirements for classroom, housing, dining and other essential facilities as more individual with disabilities pursue a higher education. Documentation regarding need, demographics, and services must be gathered for good planning to be initiated. Institutional Researchers are experts in these tasks.

7. ADA coordinators can benefit from the expertise of institutional researchers regarding the collection, management, and analyzing of relevant data.

ADA coordinators obtain information from students who self-identify. Personal computers and basic software are utilized to maintain files. ADA officers are busy service providers who may not have the opportunity to analyze data, perform cohort and longitudinal studies, utilize demographic information for planning, or know how to mass the greatest benefit of a broader view of the institution regarding budgeting and planning as can be achieved through the institutional researcher. Not utilizing the institutional research office is probably an oversight, rather than planned avoidance. Institutional researchers, although inundated with institutional-wide issues, need to appreciate that their guidance earlier in the planning, funding, and procedural process regarding the ADA can alleviate complaints, lawsuits, and marketing ill-will caused by a college or university that disregards the "spirit" and mandate of the ADA. To wait for ADA coordinators to realize the wealth of expertise and assistance that may exist on their campus in the institutional research office would ill-serve the institution and short-change the potential good institutional researchers can have regarding this all-encompassing legislation. Institutional researchers should voice their interest. They need to be a part of the ADA compliance initiative and communications on campus.

ENDNOTES

1. 29 U.S.C. Section 791 et seq. Rehabilitation Act of 1973, Section 504, Nondiscrimination Under Federal Grants and Programs.

2. An "otherwise qualified" person with respect to services, is a qualified person with a disability who, with reasonable accommodation, meets the essential eligibility requirements for the receipt of such services. With respect to employment, this person can, with reasonable accommodation, perform the essential functions of the job. See 28 C.F.R. Section 41.32 (1991).

3. The definition of a disabled student is a student reporting one or more of the following conditions: a specific learning disability, a visual handicap, hard of hearing, deafness, a speech disability, an orthopedic handicap, or a health impairment. National Center for Education Statistics, U.S. Department of Education (1991) Table 197 Note.

4. The word "handicap" has been changed to "disability" and "individual with a disability" in the ADA. The Federal Government has initiated the change from "handicap" to "disability" in titles of laws, such as the Education for All Handicapped Act, and in the context of past legislation.

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